

PATENT

Serial No. 10/537,856

Amendment in Reply to Final Office Action mailed on April 4, 2008

REMARKS

This Amendment is being filed in response to the Final Office Action mailed April 4, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-18 remain in this application, where claims 15-18 have been added. Claims 1, 5, 9 and 12 are independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

In the Final Office Action, the Examiner indicated that the title of the invention is not sufficiently descriptive, and required a new title. In response, the current title has been deleted and substituted with a new title in accordance with the Examiner's suggestion.

In the Final Office Action, the Examiner objected to the specification for lacking headings. Applicants respectfully decline to add the headings as they are not required in accordance

with MPEP §608.01(a), and could be inappropriately used in interpreting the specification. Accordingly, withdrawal of the objection to the specification is respectfully requested.

In the Final Office Action, claims 5-14 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,796,364 (Fuchter) in view of U.S. Patent No. 3,659,292 (Low). Claims 1-4 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable Fuchter in view of Low and U.S. Patent No. 5,661,460 (Sallen). Further, claims 14 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable Fuchter in view of Low and U.S. Patent No. 6,295,019 (Richards). It is respectfully submitted that claims 1-18 are patentable over Fuchter, Low, Sallen and Richards for at least the following reasons.

Fuchter is directed to a method of determining the velocity of a radar target using at least two different pulse repetition frequencies. Low is directed to a binary coded sequential acquisition ranging system for determining the distance of very distant objects, such as extraterrestrial probes.

It is respectfully submitted that Fuchter, Low, and combination thereof, do not teach or suggest the present invention

as recited in independent claim 1, and similarly recited in independent claims 5, 9 and 12 which, amongst other patentable elements, recites (illustrative emphasis provided) :

wherein the first component is frequency or phase modulated onto a carrier forming a direct sequence spread spectrum (DSSS) signal and the second component is amplitude modulated and occupies nulls in the DSSS signal.

These features are nowhere disclosed or suggested in Fuchter and Low, alone or in combination. Sallen and Richards are cited to allegedly show other features and do not remedy the deficiencies in Fuchter and Low. Accordingly, it is respectfully requested that independent claims 1, 5, 9 and 12 be allowed. In addition, it is respectfully submitted that claims 2-4, 6-8, 10-11 and 13-18 should also be allowed at least based on their dependence from independent claims 1, 5, 9 and 12 as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to

PATENT

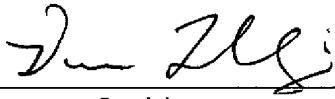
Serial No. 10/537,856

Amendment in Reply to Final Office Action mailed on April 4, 2008

submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
October 3, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101